

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

U.S. DIST. COURT EAST DIST. WISC.	
FILED	
AUG 22 2003	
AT	O'CLOCK
SOFRON B. NEDILSKY	

ALLOC, INC., a Delaware corporation, and
BERRY WOOD, SA, a French company,

Plaintiffs,

v.

Case No. 02-C-0736

PERGO, INC., a Delaware corporation,
PERGO AB, a Swedish company,

Defendants.

PERGO, INC., and PERGO (EUROPE) AB,

Plaintiffs,

v.

Case No. 03-C-0616

ALLOC, INC., ARMSTRONG WORLD
INDUSTRIES, and BERRY FINANCE NV,

Defendants.

ORDER

On June 30, 2003, the Honorable John G. Koeltl transferred *Pergo, Inc., et al. v. Alloc, Inc., et al.*, Case No. 03-CV-0616, to this court from the United States District Court for the Southern District of New York. On July 25, 2003, all parties in *Alloc, Inc., et al. v. Pergo, Inc., et al.*, Case No. 02-CV-0736 and Case No. 03-CV-0616 stipulated to the consolidation of the cases pursuant to

parties to demonstrate why the scheduling order need be amended for a third time. The parties shall confer within ten days from the date of this order regarding whether and to what extent the scheduling order need be amended. If any party believes that amending the scheduling order is necessary, the party shall file motion to amend the scheduling order along with a proposed order within twenty days from the date of this order. The court also notes that there are several pending motions in Case No. 03-CV-0616 which the parties may wish to withdraw in light of the transfer of the case to this court. At the same time that the parties confer regarding the schedule in this case, the parties shall also discuss whether they agree to withdraw the pending motions and so indicate to the court within twenty days from the date of this order. Finally, the parties may wish to move for any substitution of parties which may be proper.

Accordingly,

IT IS ORDERED that Case No. 02-CV-0736 and Case No. 03-CV-0616 are hereby **CONSOLIDATED** under Case No. 02-CV-0736;

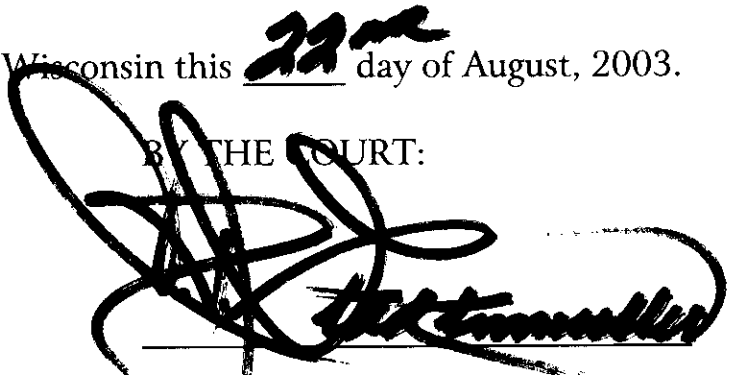
IT IS FURTHER ORDERED that Pergo's motions to dismiss, transfer, or stay be and the same are hereby **DENIED**;

IT IS FURTHER ORDERED that the plaintiffs' January 6, 2003 motion in opposition be and the same is hereby **DENIED** as moot;

IT IS FURTHER ORDERED that the parties confer within ten days of this order regarding the need to amend the scheduling order, to withdraw the pending motions in Case No. 03-CV-0616, and to substitute parties; the parties shall file a report to the court within twenty days from the date of this order concerning these issues and a proposed third amended scheduling order if necessary.

Dated at Milwaukee, Wisconsin this 22nd day of August, 2003.

BY THE COURT:

A large, stylized handwritten signature in black ink, appearing to read 'J. P. Stadtmueller', is written over a horizontal line.

J. P. Stadtmueller
U.S. District Judge